

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

OP(C).No. 2594 of 2015 (O)

OS 1154/2014 of II ADDL.MUNSIFF COURT, THRISSUR

PETITIONER(S):

- 1. ROY MATHEW, AGED 43 YEARS,
S/O CHETHALAN MATHEW, THRISSUR THALUK,
CHEMBUKKAVU VILLAGE DESOM, MUSEAM CROSS LANE
CHEMBUKKAVU 680 020 RESIDING AT HOUSE NO. V1/413A,
THRISSUR CORPORATION**
- 2. MARTIN MATHEW,
S/O. CHETHALAN MATHEW, THRISSUR THALUK,
CHEMBUKKAVU VILLAGE DESOM, MUSEAM CROSS LANE,
CHEMBUKKAVU 680 020 RESIDING AT HOUSE NO. V1/413A,
THRISSUR CORPORATION**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN**

RESPONDENTS :

- 1. KOTTAKKAD KURIES PVT. LTD.,
KUTTOOR VILLAGE, KOTTEKKAD DESOM,
THRISSUR THALUK, REPRESENTED BY ITS MANAGER - 650 001**
- 2. JULY TISSERENT
W/O PADOOR CHALAKKAL TISSERENT, VELUR VILLAGE,
THALAPPILLY THALUK, THRISSUR DIST. 680 001**
- 3. TISSERENT
PADOOR CHALAKKAL HOUSE, VELUR VILLAGE,
THALAPPILLY THALUK, THRISSUR DIST. 680 001**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE SALE DEED NO. 1416/11 EXECUTED BY THE
RESPONDENTS 2 AND 3 IN FAVOUR OF PETITIONERS DT. 11/5/11.
- EXT.P2: TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER,
VELUR DT. 18/7/14.
- EXT.P3: TRUE COPY OF THE PLAINT IN OS 1154/14 BEFORE HE COURT OF
MUNSIFF THRISSUR DT. 17/2/14.
- EXT.P4: TRUE COPY OF THE IA 4307/14 IN OS 1158/14 DT. 17/2/14.
- EXT.P5: TRUE COPY OF THE ENCUMBRANCE CERTIFICATE AS CONCERNING
THE PROPERTY IN ECT P1 D. 21/7/14.
- EXT.P6: TRUE COPY OF THE IA 18061/14 IN IA 4307/14 IN OS 1154/14 DT. 1/9/14.
- EXT.P7: TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 1ST
RESPONDENT IN IA 18061/14 IN IA 4307/14 IN OS 1154/14 DT. 12/7/15

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. ABRAHAM MATHEW, J.

O.P.(C).No.2594 of 2015

Dated this the 28th day of October, 2015

J U D G M E N T

First respondent is the plaintiff and respondents 2 and 3 are defendants in O.S.1154 of 2014, which is for realisation of money. Under Order 38 Rule 5 of CPC a property was attached. The petitioners filed Ext.P6 application to lift the attachment on the ground that they have title to the property and the defendants have no right in it and it is not liable to be attached. The complaint is that the application has so far not been disposed of.

2. Heard.

3. The attachment was effected in 2014. The claim petition was filed on 01.09.2014. The request is to direct the Munsiff to dispose it of without delay. It is reasonable.

In the result, this O.P is allowed. The learned Munsiff is directed to dispose of Ext.P6 at least within one month from the date of receipt or production of a copy of this judgment.

sd/-

**K. ABRAHAM MATHEW
JUDGE**